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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,161	04/07/2004	Juha Tuominen	U 015139-8	7033
7590	01/09/2006			EXAMINER LIVEDALEN, BRIAN J
Ladas & Parry 26 West 61 Street New York, NY 10023			ART UNIT 2878	PAPER NUMBER

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/820,161	TUOMINEN ET AL.	
	Examiner Brian J. Livedalen	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/7/04, 5/21/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 9 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9 and 16, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Objections***

Claim 16 recites the limitation "the detection" in line 10. There is insufficient antecedent basis for this limitation in the claim.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

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1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3, 7-9, and 14-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6633026, hereinafter referred to as '026, in view of Robinson (6433683).

In regard to claims 1, 9, 15, and 16, claims 1 and 11 of Patent '026 recites a system and method for supplying power in a wireless system having a power transmitter that has a first light source and means for directing the light emitted from the first light source in a desired direction, and a second light source; a power receiver that has a first photo-detector for receiving emitted light and transforming it into electric current, and a second photo detector (column 9, lines 43-49, column 10 lines 45-50); transmitting by means of the second light source in the power transmitter a substantially parallel light arranged around the light emitted by the first light source (column 9, lines 50-52, column 10 lines 54-56), the power of the light being substantially lower than the power of the light emitted by the first light source, detecting by means of the second photo detector of the power receiver the light emitted by the first light source (column 9, lines 53, 54, column 10 lines 52, 53), transmitting a control signal from the receiver to the emitter in response to receiving the light emitted by the second light source (column 9, lines 57-

59, column 10 lines 57-63), and switching one the first light source of the power transmitter in response to receiving from the power receiver the control signal on the reception of the light emitted from the second light source (column 9, lines 60-63, column 10 lines 64-67). Claims 1 and 11 of Patent '026 fails to recite the system being used for surveillance. However, Robinson discloses (fig. 2) a remote system that is used for surveillance (abstract) it would have been obvious to modify claim 1 of Patent 026' in order to use the wireless system to detect motion from a remote location. Claim 1 of Patent 026' discloses transmitting information between the remote elements but fails to recite the system using radio frequencies to communicate between the remote the two elements. However, Robinson discloses (fig. 2) a system with two remote elements that communicate information using radio frequencies (abstract). It would have been obvious to modify claim 1 of Patent '026 to use radio frequency communication in order to inexpensively communicate information between the remote elements.

In regard to claim 3, claim 3 of Patent '026 recites transmitting the light emitted by the second light source in pulses, ending the transmission of the control signal in response to the time between the consecutive pulses received by the power receiver being at least twice the inverse value of the transmission frequency of the pulses (column 10, lines 6-12).

In regard to claims 7 and 14, claim 8 and 18 of Patent '026 recites deflecting the light emitted by the second light source of the power transmitter according to a

predefined route in the space surrounding the power transmitter to search for the power receivers (column 10, lines 30-34, column 11, lines 37-40).

In regard to claim 8, claim 9 of Patent '026 recites transmitting the light of the second light source at a level that is substantially so low as not to damage the eye (column 10, lines 35-38).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (6433683) in view of Flesner et al. (5248931).

In regard to claim 16, Robinson discloses (fig. 2) a wireless surveillance device in a surveillance system (16), which has means for generating surveillance data and a radio frequency transceiver (24) for transmitting the surveillance data wirelessly to a base station (42) of the surveillance system (abstract). Robinson fails to disclose a power receiver having a first and second photodetectors for receiving the light emitted by a first and second light source respectively emitted from the base station and the surveillance device is arranged to transmit a control signal to the base station by means of the radio frequency transceiver. However Flesner discloses (fig. 1) a power receiver having a first and second photodetectors for receiving the light emitted by a first and

second light source respectively emitted from the base station and remote receiving system is arranged to transmit a control signal to the base station (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the power supply method as taught by Flesner to the surveillance system of Robinson in order to more discreetly remotely detect the presence of someone or something by negating the need for wires.

### ***Allowable Subject Matter***

Claims 1-15 are allowable once 112 and double patenting rejections are overcome.

The following is a statement of reasons for the indication of allowable subject matter: Claims 1-15 are neither anticipated nor made obvious by the prior art of record. The prior art fails to disclose a power supply system that contains two light sources, one light source surrounding the other, and two photo detectors, the detecting element sending a signal to the source element once the second light source is detected by the second photo detector.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Livedalen whose telephone number is (571) 272-2715. The examiner can normally be reached on 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjl



Georgia Epps  
Examiner